



New Mexico State Personnel Board State Personnel Office

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December 28, 2012

Nathaniel V. Thompson, Esq.
New Mexico Firm, LLC
103 St. Francis Drive, Unit A
Santa Fe, New Mexico 87501

Wade Jackson, General Counsel
New Mexico Economic Development Department
Joseph Montoya Building
1100 St. Francis Drive
Santa Fe, New Mexico 87505

Re: *Danni Sutana v. New Mexico Economic Development Department*;
Docket No. 12-099

Dear Mr. Thompson and Mr. Jackson:

Enclosed is a copy of the New Mexico Economic Development Department's (Department) unopposed *Order Granting Motion for Withdrawal of Counsel and Substitution of Counsel for Appellee*, which I have signed.

On December 27, 2012, prior to receipt of this unopposed *Order*, the Department was invited to file a *Response* to Appellant's *Motion to Disqualify Counsel and to Extend the Discovery Deadline*. Appellant's *Motion* concerning opposing counsel, and the need for a *Response*, are now rendered moot by the enclosed *Order*.

2600 Cerrillos Road, Santa Fe, New Mexico, 87505 (505) 476-7759

Exhibit J

With the entry of new legal counsel for the Department, Appellant's apparent request to vacate and re-docket the current hearing dates of February 4 and 5, 2013, is still pending. As indicated by my December 27, 2012 letter to Mr. Thompkins, the parties should agree to and notify the Adjudication office of the two-day period they have selected. Monday, March 25 is now unavailable and we are currently awaiting notification from the parties in another case which will require a four day hearing. As previously indicated, first in time is first in right.

Sincerely,



R. SCOTT SUMMERFIELD
Administrative Law Judge

RSS:rr

Encl: As stated

cc: M. Karen Kilgore, Esq. (w/encl.)

Exhibit J